

APPROVED 3/15/04

# **TOWN OF WESTFORD**

## **PLANNING BOARD**

### **MINUTES**

**DATE:** February 17, 2004

**TIME:** 7:30 P.M.

**PLACE:** Westford Academy Choral Room

**PRESENT:** Peter Fletcher, Andrea Peraner-Sweet, Michael Green,  
Robert Shaffer, Fred Palmer

**OTHERS**

**PRESENT:** Tim Greenhill-Town Planner, James Arsenault-Town  
Engineer, Audience Members

**OPEN FORUM**

There was no input from the Board or the audience.

**DISCUSSION ITEM – WOOLSACK ESTATES – ICING ISSUES**

***Woolsack Estates, Wescon Construction***

Attorney Howard Hall, representing David Guthrie, and Jay Billings of Geologic Services Corp., were present. Billings distributed plans of the groundwater contour maps of the site dated 1999 (pre-development). Billings stated that Geologic Services did a hydrogeologic study of the site under baseline conditions with eight groundwater monitoring wells and gauged them twice, on May 3, 1999 and on June 11, 1999. Billings stated that a gauging event also occurred on February 11, 2004. Billings stated that the purpose of the gauging is to determine whether the groundwater conditions on the site have been altered. Billings outlined the recommendations made in 1999 report to install drainage structures on the property to control high groundwater and to increase the setback for the leach field. Billings reported that LANDTECH contacted him on February 10, 2004 to inform him of the icing condition on Brookview Drive. Billings stated that they reviewed the design documents and

did a site visit to try to determine the cause of the icing condition. Billings stated that the design was modified after they were involved. The number of lots was reduced down from eight to five and some significantly large detention ponds were installed on the property. Billings stated that there are two distinct groundwater discharge locations on Brookview Drive. Billings stated that he gauged five of the eight monitoring wells and found that three were destroyed during construction activities. Billings addressed data and associated graphs. It was Billings' opinion that groundwater conditions have not changed on the site, but the data did not rule out the possibility that the subdivision is contributing to the icing problem. Billings felt that the icing condition was more related to the weather conditions rather than a change in the groundwater flow direction. Billings recommended addressing the situation at the point where the groundwater is discharging by installing catch basins. Arsenault stated that there is already a catch basin in place and the water sheets over and freezes. Peraner-Sweet suggested that the Town Engineer continue to work with the Woolsack Development representatives to try to resolve this problem because the Board cannot rule out that the water is not coming from Woolsack Estates. Hall noted that the Highway Department has been dealing with this problem for 20 years and that it is being exacerbated by the lack of snow cover and the extremely low temperatures. Peraner-Sweet pointed out that the neighbors were seeing water in the fall when the weather was milder. Fletcher suggested that the Conservation Commission also be involved with the resolution.

Tim Cox, 12 Beaver Dam Drive, stated that the water is a year-round problem not necessarily an icing situation brought on by cold weather. Cox stated that he cannot mow part of his lawn in the summer due to the water. Cox submitted photographs of the water and ice. Cox felt that the problem has become worse over the last two years when the first house was built in Woolsack Estates.

Hall stated that Billings needs to make a recommendation after viewing the site in the springtime. Hall assured the Board that they would do their best to work with the Town and Mr. Cox and try to solve the problem. Peraner-Sweet recommended Billings start the process as soon as possible to try to resolve the problem.

Christine Deroche, 4 Brookview Drive, stated that they had to install a sump pump in their basement two years ago to keep up with the water. Deroche stated that they have lived at 4 Brookview Drive for eight years and never had a water problem until two years ago.

Judy Ramirez, Beaver Dam Drive, stated that they have had water coming down their driveway which has increased over the last 2 years. Ramirez submitted a petition signed by the neighbors stating that the water and icing problems have increased since the construction of Woolsack Estates.

**MISCELLANEOUS**

**Bond Reduction Request - Vineyard Estates** – Attorney Howard Hall referenced a letter from the Town Engineer. Hall clarified that the School Department opened the road and that the Town agreed to take responsibility for that portion of the road. Hall asked the Board to accept the Town Engineer's recommendation with the exception of item number two; and that there be no proposed bond. **It was moved by Shaffer, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, that for Vineyard Road from Station 10+50 to Station 19+68 that the Board reduce the bond from the current bond of \$47,903.76; reduce it by an amount of \$47,903.76 leaving a bond of zero dollars.**

**It was moved by Shaffer, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, that for Tyler Road from Station 0+00 to Station 8+50 the Board reduce the current bond of \$32,933.16 by the amount of \$13,248.35 to a new amount for the bond of \$19,684.81.**

**It was moved by Shaffer, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, that for Christie Lane from Station 0+00 to Station 6+65 the Board reduce the current bond of \$30,138.75 by the amount of \$14,724.33 to a new bond amount of \$15,414.42.**

**Bond Reduction Request – Villages at Stone Ridge** – Green recused himself as he is an abutting landowner. Hall to provide a letter to the Board regarding the status of the as-built plans. **It was moved by Shaffer, seconded by Peraner-Sweet, and VOTED 4 IN FAVOR WITH 1 RECUSAL (Green), to reduce the bond amount for Stone Ridge Road from Station 4+00 to Station 16+50 for the inbound lane from an amount presently held \$3,566.90 and reduce that by the amount of \$3,566.90 to a new bond amount of zero dollars.**

**It was moved by Shaffer, seconded by Peraner-Sweet, and VOTED 4 IN FAVOR WITH 1 RECUSAL (Green), to reduce the bond amount for Stone Ridge Road inbound lane from Station 16+50 to Station 18+40 from the present bond of \$542.17 reduce by an amount of \$542.17 to a new bond amount of zero dollars.**

**It was moved by Shaffer, seconded by Peraner-Sweet, and VOTED 4 IN FAVOR WITH 1 RECUSAL (Green), to reduce the bond amount for Stone Ridge Road loop formerly Highland Road from Station 22+50 to Station 27+60 from the previously held bond amount of \$2,610.80 reduced by an amount of \$2,610.80 to a new bond amount of zero dollars.**

**It was moved by Shaffer, seconded by Peraner-Sweet, and VOTED 4 IN FAVOR WITH 1 RECUSAL (Green), to reduce the bond amount for Stone Ridge Road loop formerly Highland Road from Station 16+0 to Station 22+50 in a previously held bond amount of \$3,910.00 reduced by \$3,910.00 to a new bond amount of zero dollars.**

**It was moved by Shaffer, seconded by Peraner-Sweet, and VOTED 4 IN FAVOR WITH 1 RECUSAL (Green), to reduce the bond amount for Stone Ridge Road loop formerly Highland Road from Station 13+00 to Station 16+00 from the previously held bond of \$1,858.18 reduced by the amount of \$1,858.18 to a new bond amount of zero dollars.**

**It was moved by Shaffer, seconded by Peraner-Sweet, and VOTED 4 IN FAVOR WITH 1 RECUSAL (Green), to reduce the bond amount for Highland Road for the Section 0+00 to Section 1+86 and Section 0+00 to Section 7+12 from the previously held bond of \$6,748.13 reduced by the amount of \$6,748.13 to a new bond amount of zero dollars.**

**It was moved by Shaffer, seconded by Peraner-Sweet, and VOTED 4 IN FAVOR WITH 1 RECUSAL (Green), to reduce the bond amount for the road in front of the community building from Station 0+00 to Station 2+55 from the previously held bond of \$2,859.30 reduced by the amount of \$2,859.30 to a new bond amount of zero dollars.**

**PUBLIC HEARING – 27 CARLISLE ROAD – SITE PLAN REVIEW – SPECIAL PERMIT WRPD**

***27 Carlisle Road, Mack Technology, Inc. – Open Public Hearing***

**It was moved by Peraner-Sweet, seconded by Green, and VOTED UNANIMOUSLY, to open the public hearing.**

A representative from Acton Surveying and Engineering was present seeking a Special Permit for the installation of a 3,000 gallon above-ground liquid nitrogen storage tank at Mack Technologies. The plans have been revised based upon comments provided by the Town Engineering Department and the Planning Office. The representative outlined the plans for the storage tank which will be on a 14 sq. ft. concrete pad enclosed by a 6 ft. chain link fence with one access gate. The representative addressed the landscaping plans on the street side of the storage tank. Greenhill reported that he is awaiting final comments from the Board of Health. Paul Fears, BOC Gases (supplier of the liquid nitrogen), stated that this tank is smaller than the existing tank. The General Manager of Mack Technologies explained the building has shipping and receiving docks on both sides and that the tanks have been filled on the other side of the building for several years based on complaints of residents and Mack has modified deliveries during working hours (Monday-Friday). Shaffer asked for confirmation that the liquid nitrogen will not be a risk to the utilities (electricity and natural gas) given the close proximity. Green was concerned with the amount of parking spaces that will be blocked during the deliveries creating safety and access issues. Neil Donga, Mack Technologies, explained that the placement of the storage tank is necessary for the chambers used inside the building to test electronic equipment. Shaffer asked the Town Engineer what national and state standards would apply and whether this was within code for the proper separation between the utilities and a liquid nitrogen tank of this

magnitude. Arsenault stated that he would investigate. Greenhill stated that the Board of Health comments will address Shaffer's concerns. The Board felt that additional wall pack lighting was not necessary. Green asked that the applicant look into the immediate containment of leaks relative to the location of the concrete walkway for pedestrian access.

Raymond Wilson, 33 Carlisle Road, abutter to Mack Technologies, stated that he had no problem with the new storage tank. Wilson stated that they have had problems in the past with the trucks coming in the middle of the night and lighting on the flag but Mack Technologies solved those issues.

Cheryl Morin, 1 Whitney Drive, stated that Mack Technologies re-directed the light on the flag pole so that it now shines into her window.

Continued to March 1, 2004 at 7:35 p.m.

**PUBLIC HEARING – 540 GROTON ROAD – PRELIMINARY SUBDIVISION**  
*540 Groton Road, Modern Continental Construction Co., Continued from January 5, 2004*

Continued to April 20, 2004 at 7:45 p.m. pursuant to a request received from the applicant.

**PUBLIC HEARING –52 FLAGG ROAD - PRELIMINARY SUBDIVISION**  
*52 Flagg Road, Mark Jenkins, Continued from January 20, 2004*

Fletcher reported on a site visit held on Saturday, February 14, 2004. Tony Ma, Howe Surveying Associates, was present for the applicant. Ma distributed plans regarding the location of wells, existing septic systems, and the proposed septic systems. Fletcher felt that there was an excessive amount of work needed to make the third lot fit and that it was an overdevelopment of the site. Shaffer was concerned with the amount of fill needed for the site and wanted strong standards to ensure there will be good quality fill being brought onto the site. Shaffer was concerned that the driveway will be six feet or more above the current grade cutting through the wooded lot as it will appear to be an elevated roadway. Peraner-Sweet questioned how the site could handle three lots and expressed concerns with the over-engineering of the site. Peraner-Sweet felt that there would be serious problems created or raised as a result of the amount of engineering needed on the site to make the project work. Arsenault stated that the Engineering Department has serious concerns regarding the calculations provided by Howe Engineering. Arsenault was also concerned with some detainage on the back property and the potential for water to go onto an adjacent property. Palmer was also concerned with the height of the driveway and the groundwater drainage on the east and south sides of the lot. Fletcher felt that two new homes will exacerbate the water problems in the area. Fletcher stated that one home would be fine and that there would be no significant changes and a much easier and simpler process with a

driveway and a home. Peraner-Sweet stated that in her opinion this does not work. Green agreed with the Board's comments and stated that the extent of clearing necessary will be considerable and the amount of fill and finished floor elevations make these basically three story homes. Green felt that the extent of clearing needed to be reduced. Green questioned whether the drainage structures would work. Shaffer encouraged the applicant to try to save the large pine trees on the left front portion of the parcel as well as vegetation within a 5 to 10 foot strip edge of the boundaries as a buffer to the neighbors. Ma addressed the proposed clearing of trees. Ma felt that the proposed drainage would improve the existing conditions and addressed the drainage for the site. Peraner-Sweet stated that the Board has concerns regarding the engineering of the site, the water and the drainage, and three houses on the site. Peraner-Sweet asked Ma to speak to the Town Engineering Department regarding the drainage and engineering of the site. Greenhill questioned the site distance given the level of the traffic in the area.

Susan Mahoney, 50 Flagg Road, asked for the depth of the pond that is being created. Ma stated that the pond will be 4 feet deep. Ma explained how the pond works in conjunction with the drainage. Mahoney was concerned with the safety of children in the neighborhood.

Robbie Gould, 48 Flagg Road, felt that the project has moved in a more exasperated area than it did when first presented in December.

Anne Pyra, 44 Flagg Road, asked where the runoff would go from the new proposed driveway. Ma stated that the driveway will be bermed and all the runoff at the low spots will be piped to the detention/retention area. Pyra asked where the water would go when heading toward her property because her septic system is close to road. Ma outlined the proposed drainage.

A resident from Flagg Road asked for the proper process to address concerns to the Board of Health. Fletcher stated that the residents should attend the Board of Health meetings and/or contact the Environmental Engineer.

Craig Innis, 46 Flagg Road, questioned putting a pond on land that is already saturated. Innis asked if the water would evaporate between storms. Ma stated that under state and local regulations they are dealing with a 100-year storm design not multiple storms.

A resident was concerned with flooding if the water cannot find a retention pond.

Ann Innis, 46 Flagg Road, asked if there are plans for a fence around the detention pond. Ma stated that this is private property and that they do not expect the general public walking on the property. Ma stated that there is ponding in the locations now and there are wetlands on the easterly side of the property. Ma stated that if the Planning Board asked for a fence the applicant

would agree. Shaffer felt that it would be easier to get into the new pond rather than the existing wetlands.

Green asked Ma to provide data regarding the clearing of the vegetation, grading, and standing water in the proposed pond.

Ken Gosselin, 69 Hildreth Street, felt that clear cutting the lot will make significant water issues. Gosselin pointed out that this property was an old farm and asked if there were any soil tests done to determine contamination. Fletcher asked Ma to be ready to discuss the soil testing at the next meeting.

Fletcher stated that he would like the applicant to come back with a two-lot subdivision. Continued to March 1, 2004 at 7:45 p.m.

**PUBLIC HEARING – COOLIDGE AVENUE EXTENSION – DEFINITIVE PLAN MODIFICATION**

*Behind 10 Moore Street, Paul and Leah Lemieux, Continued from January 20, 2004*

Continued to March 15, 2004 at 7:50 p.m. at the request of the applicant.

**DIRECTOR'S REPORT**

**MPIC Appointment** – It was moved by Peraner-Sweet, seconded by Shaffer, and VOTED UNANIMOUSLY, to appoint Peter Severance to the Master Plan Implementation Committee.

**MINUTES**

It was moved by Peraner-Sweet, seconded by Green, and VOTED UNANIMOUSLY, to approve the minutes of February 2, 2004 (regular session).

It was moved by Peraner-Sweet, seconded by Green, and VOTED 4 IN FAVOR WITH 1 RECUSAL (Shaffer), to approve the minutes of February 2, 2004 (executive session) but NOT release to the public.

**OLD BUSINESS/NEW BUSINESS**

**Barrister Drive Update** – Greenhill reported that he is awaiting a response from Town Counsel. Shaffer stated that he drove by Barrister Drive tonight and noticed water coming down the gutter along Forge Village Road. Arsenault stated that he took pictures of Barrister Drive. Arsenault stated that there is icing down the road toward the public road.

**Traffic Calculations for Westford Tech Park West** – Green requested that Greenhill resubmit the traffic calculations to the Board for the next meeting.

**MAILBOX**

**Letter to Kindercare dated February 4 regarding bonding.** Greenhill explained that the letter was to clarify what was agreed to at the previous meeting. Greenhill stated that Kindercare requested the letter so that their finance department could do the necessary work.

**Memo from Town Manager dated February 9 regarding 304 Groton Road – Road Discontinuance Request** – Peraner-Sweet reported that the Board of Selectmen discussed whether Old Tyngsborough Road was a county road. Greenhill stated that more background information is needed before bringing this request to Town Meeting. Shaffer wanted to know what impact the discontinuance would have on the site in terms of development. Shaffer stated that if it increases the number of lots he would not give the applicant the land.

**ADJOURNMENT**

It was moved by Green, seconded by Peraner-Sweet, and VOTED UNANIMOUSLY, to adjourn the meeting.